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REMARKS

Applicants acknowledge the Examiner's careful consideration of their application and respectfully request reconsideration followed by allowance.

Applicants representative has received a translation of a Chinese Office Action. This foreign office action action apparently issued less than three months ago. The reference cited in said foreign office action was previously submitted in an IDS dated February 6, 2004. The translated materials are supplied herewith to ensure that the Examiner has the same information as Applicants' representative.

Amended claim 1 includes claim 2. The latter claim is now canceled without prejudice. Applicants now present amended claim 1 and claims 3 and 4. The amendment to claim 1 does not introduce any new matter nor create a new issue.

It will be appreciated that a blown film of the invention can comprise a plurality of layers, such as 3 or more layers, and can thus be a multi-layer film. The blown film has sufficient strength and high transparency and retains these twin desired charcteristics even when made thinner. This is disclosed in the specification at page 1.

As will be apparent, an embodiment of the present invention is a blown film, which even if it is made thinner, has sufficient strength (tear strength and stiffness) and high transparency (page 1).

In general, a blown film of the present invention accomplishes the foregoing by a combination of characteristics (i) and (ii). It has:

(i) sufficient strength (tear strength), because surface layers thereof contain no linear low-density polyethylene 1 having characteristics A - C, although middle layer(s) may contain low-density polyethylene 2, and

(ii) high transparency (haze), because a crystallization temperature of linear low-density polyethylene 2 used for middle layer(s) thereof is higher by at least 2°C than that of linear low-density polyethylene 1 used for surface layers thereof.

Characteristic (i) pertains to sufficient strength - such as tear strength - and it is due to the layers in the blown film, and particularly to the surface layers made of a linear low density polyethylene 1 consistent with characteristics A - C, which are reproduced below to assist the Examiner:

A): a composition distribution variation coefficient (Cx) represented by the following equation (1) is not more than 0.5,

$$Cx = \sigma/SCBave \qquad (1)$$

wherein σ is a standard deviation of composition distribution, and SCBave is an average branching degree,

(B): a content (a) of cold xylene-soluble portion in terms of % by weight based on the weight of the linear low-density polyethylene 1 and the density (d) satisfy the following inequality (2),

$$a < 4.8 \times 10^{-5} \times (950\text{-}d)^3 + 10^{-6} \times (950\text{-}d)^4 + 1 \qquad (2)$$

(C): a crystallization temperature (Tc) and a density (d) satisfy the following inequality (3),

$$Tc > 0.763 \times d - 599.2 \qquad (3),$$

wherein density (d) is in kg/m^3.

The transparency is due to both the characteristics (i) and (ii) described above.

If only characteristic (i) is present, a blown film having high transparency is not obtained. The specification furnishes the evidence as seen from Example 1 versus Comparative Example 5. Example 1 reports a blown film having a haze value of only 5.8% for the film having characteristics (i) and (ii). However, Comparative Example 5 reports a blown film having a haze value of 27.0% for a 465% increase in haze value versus a haze value of the blown film according to Example 1. The blown film of Comparative Example 5 only met characteristic (i) of the claimed invention, but not characteristic (ii).

Applicants now respectfully traverse the rejection and respectfully suggest there is no *prima facie* case of obviousness under 35 U.S.C. §103 over Suzuki et al (JP-11-192661-A) in view of Brambilla (U.S. Patent No. 5,916,692). Applicants appreciate that the U.S. Patent counterpart to the now cited JP document is no longer relied upon as it is simply not prior art.

Applicants submit there would have been no reason to combine the two references, and even if combined it is submitted a person of only ordinary skill in the art would have had no expectation of accomplishing the inventions described in this application. More particularly, *arguendo*, if the references were combined, which is not conceded, they

would not have suggested - as they certainly do not disclose - the above summarized characteristics (i) and (ii) of the claimed inventions. Consequently, the claimed inventions would not have been obvious to a person of ordinary skill in the art.

The Suzuki document does not disclose a three layer structure of a multilayer film having a middle layer made of a blend of a linear low density polyethylene and low density polyethylene. Prior Office Action, pages 2-3. There is no basis for conjecturing the JP counterpart is any different. The Suzuki document does not disclose a blown film having characteristics (i) and (ii).

The Suzuki document neither discloses nor would it have suggested the density and crystallization termperatures for polymers used for a blown film as described in this application.

It would appear Suzuki reference does not disclose concurrent improvement in both transparency and strength (tear strength).

In particular, as to claim 3, the Suzuki prior art discloses nothing about physical property values of haze (transparency), tear strength and stiffness.

Furthermore, it is also not seen where the secondary '962 reference would have commended its combination with the Suzuki document, except with the benefit of hindsight, nor where it would have motivated an ordinary skilled worker to modify the Suzuki reference to achieve the inventions of this application.

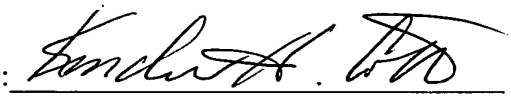
Even if the '962 patent may disclose physical property values of tear strength and stiffness, those values are inferior to physical property values obtained with the present invention, and the '962 patent does not disclose haze values (nothing disclosed as to transparency), whereby it would seem that it would not have suggested the present inventions or their benefits to a person of ordinary skill in the art. Indeed, this prior art limits its production method to a T-die method. Even if a film produced by a T-die method might generally be said, for the sake of argument - *arguendo* - to have excellent transparency, the film has lower stiffness than that of a blown film obtained in the present invention, because the former film is produced under a rapidly cooling condition (quenching condition), and therefore it would be difficult and thus apparently not predictable to produce a film by the T-die method that has both excellent transparency and excellent stiffness.

Finally, it is not seen where either of the currently applied "prior art" references inherently discloses characteristics and properties of a layer or layers in the claimed invention. For instance, the prior Office Action states these claimed characteristics are themselves not described in the U.S. counterpart document. When an alleged prior art patent, including drawings, is silent on a relationship or a claim limitation, rejections assuming the existence of any such relationship or a claim limitation are undermined, and the rejection is subject to being reversed. Hockerson-Halberstadt Inc. v. Avia Group International Inc., 58 USPQ2d (BNA) 1487, 1491 (Fed. Cir. 2000); Ex parte Brown, 19 USPQ2d (BNA) 1609, 1612 (BOPI 1990) ("since the prior art is silent as to this feature, we are unable to sustain the rejection ..."); Ex parte Isaksen 23 USPQ2d (BNA) 1001, 1006 (BOPI 2001), ("Forbes patent[s] are completely silent as to any sharpening effect and do not describe with any specificity what results ... magnetic treatment had on the razor blade edge," rejection reversed).

Applicants earnestly, but respectfully, solict a Notice of Allowance.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: 

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Appl No.: 01144789.3

Text of the First Office Action

According to the description, the prethe protection scope of said claim unclearsent application relates to a blown film. After examination, the examiner's comments are provided as follows.

1. The technical solutions claimed in independent claim 3 and claim 1 do not belong to a single general inventive concept, nor are they technically interrelated, nor do they have the same or corresponding special technical features, nor do they have unity. Therefore said claims do not comply with the provision of Article 31 of the Patent Law. The applicant should delete said independent claim. With regard to the invention for which protection is no longer sought in the present application, the applicant may file a divisional application before the examination procedures of the present application are terminated.

2. The technical solution claimed in claim 1 does not have inventiveness prescribed in Article 22, paragraph 3 of the Patent Law. Reference document 1 (JP11-228758A) discloses a stretch film and the following technical features: said film comprises linear low-density polyethylene having a density from 0.880 to 0.935, the deviation of composition distribution is less than 0.5, and the relationship between xylene-soluble portion and the density. The main difference between said claim and the disclosure of said reference document lies in the limitation to the crystallization temperature of the material for the middle layers. However, this difference is obvious to a person skilled in the art. Thus the technical solution claimed in said claim does not have prominent substantive features or any notable progress, and therefore does not have inventiveness.

3. Dependent claim 2 limits the content of the resin composition. However, said limitation is a technical measure customarily used in the art and is obvious to a person skilled in the art. Therefore the technical solution claimed in said claim does not have inventiveness prescribed in Article 22, paragraph 3 of the Patent Law.

The applicant should, within the time limit for response prescribed in the Office Action, reply to each of the problems and amend the patent application documents when necessary. The amendments to the application documents made by the applicant should comply with the provision of Article 33 of the Patent Law and should not go beyond the scope of the disclosure contained in the initial description and claims.

The amended documents the applicant files shall contain: 1. a copy of the initial text which is amended, with the added, deleted or substituted parts marked by red pen or red ball-point pen; 2. a retyped replacement sheet for replacing the corresponding original one. The applicant should make sure that the two above-mentioned parts are consistent in contents.

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CPCH0163747

Patent Office of the People's Republic of China

Address : Receiving Section of the Chinese Patent Office, No. 6 Tucheng Road West, Haidian District, Beijing.Postal code: 100088

Applicant	SUMITOMO CHEMICAL COMPANY LIMITED			Seal of Examiner	Date of Issue
Agent	China Patent Agent (H.K.) Ltd.				December 26, 2003
Patent Application No.	01144789.3	Application Date	December 23, 2001	Exam Dept.	
Title of Invention	BLOWN FILM				

First Office Action

1.☑ Pursuant to the provision of Article 35 (1) of the Chinese Patent Law, the examiner made an examination as to substance of the captioned patent application for invention upon the request for substantive examination filed by the applicant on _____.

☐ Pursuant to the provision of Article 35 (2) of the Chinese Patent Law, the Chinese Patent Office has decided to conduct on its own initiative an examination as to substance of the captioned patent application for invention.

2.☑ The applicant requests taking the filing date, Dec. 25, 2000, at the JP Patent Office, the filing date, _____, at the _____ Patent Office, the filing date, _____, at the _____ Patent Office as the priority date of the present application.

☑ A copy of the first filed patent application certified by the receiving organ of the initial country of filing has been submitted by the applicant.

☐ A copy of the first filed patent application certified by the receiving organ of the initial country of filing has not been submitted by the applicant. Pursuant to the provision of Article 30 of the Chinese Patent Law, no priority right shall be deemed to have been claimed.

3.☐ The applicant filed amended application document(s) on _____ _____and _____.

☐ Examination has confirmed that _____ filed on _____ cannot be accepted, _____ filed on _____ cannot be accepted,

as the above amendment(s) ☐ is/are not in conformity with the provision of Article 33 of the Chinese Patent Law.

☐ is/are not in conformity with the provision of Rule 51 of the Implementing Regulations of the Chinese Patent Law.

☐ For the specific reason that the amendment(s) cannot be accepted, see the text of the Office Action.

4. ☑ The examination is conducted in the light of the original application document(s)
☐ The examination is conducted in the light of the following application document(s):
in the original application documents submitted on the filing date:
Claim(s) _____, page(s)_____ of the description, Figure(s) _____ of the drawing(s); Claim(s) _____ , page(s) _____of the description, Figure(s) _____ submitted on _____; Claim(s) _____, page (s) ___ of the description, Figure(s) _____ submitted on _____
☐ Abstract of the description submitted on _____.

5. ☐ The present Office Action has been prepared without a search having been conducted.
☑ The present Office Action has been prepared with a search having been conducted.
☑ The following reference document is cited in this Office Action (its serial number will, continue to be used throughout the examination procedure):

No.	Number or Title of Document	Date of Publication (or filing date of interfering application)
1	JP11-228758A	Aug. 24, 1999
2		(Date)
3		(Date)
4		
5		
6		

6. The concluding comments of the examiner are:

☐ On the description:
☐ The content of the application comes within the scope where no patent right is granted as provided in Article 5 of the Patent Law.
☐ The description is not in conformity with the provision of Article 26(3) of the Patent Law.
☐ The drafting of the description is not in conformity with the provision of Rule 18 of the Implementing Regulations.
☑ On the claims:
☐ Claim comes within the scope where no patent right is granted as provided in Article 25 of the Patent Law.
☐ Claim is not in conformity with the definition of invention in Rule 2(1) of the Implementing Regulations.
☐ Claim _____ does not possess novelty as provided in Article 22(2) of the Patent Law.
☑ Claims 1, 2 do not possess inventiveness as provided in Article 22(3) of the Patent Law.

☐ Claim _____ does not possess practical applicability as provided in Article 22(4) of the Patent Law.
☐ Claim _____ is not in conformity with the provision of Article 26(4) of the Patent Law.
☑ Claim 3 is not in conformity with the provision of Article 31(1) of the Patent Law.
☐ Claim _____ is not in conformity with the provisions of Rules 20-23 of the Implementing Regulations.
☐ Claim _____ is not in conformity with the provision of Article 9 of the Patent Law.
☐ Claim _____ is not in conformity of the provision of Rule 12(1) of the Implementing Regulations.

For specific analyses of the above concluding comments, see the text of this Office Action.

7. In view of the above concluding comments, the examiner holds that:

☐ The applicant should amend the application document in accordance with the requirements raised in the text of this Office Action. The amended document(s) should be submitted in duplicate and should conform to the provisions of Article 33 of the Patent Law and Rule 51 of the Implementing Regulations of the Chinese Patent Law.
☑ The applicant should expound in his Observations the reasons why the captioned patent application is patentable and amend the places not conforming to regulations as pointed out in the text of the Office Action, otherwise it would be impossible for the patent right to be granted.
☐ The captioned patent application contains no substantive content for which the patent right may be granted, thus if the applicant has not advanced his reasons or has not done so adequately, the application will be rejected.

8. The applicant should pay attention to the following matters:
   (1) In accordance with the provision of Article 37 of the Patent Law, the applicant should submit his/its Observations within **four** months from the date of receipt of this Office Action; if, without any justified reason, the time limit for making response is not met, the application will be deemed to have been withdrawn.
   (2) The amendments made by the applicant to his application should conform to the provision of Article 33 of the Patent Law, the amended text should be in duplicate and the format should conform to the relevant provisions of the Guidelines for Examination.
   (3) The applicant's Observations or amended text should be mailed or presented to the Receiving Section of the Chinese Patent Office. Document no mailed or presented to the Acceptance Section have no legal force.
   (4) Without making an appointment, the applicant and/or agent may not come to the Chinese Patent Office to hold an interview with the examiner.

9. This Office Action consists of the text portion totaling 2 pages and of the following annex(es):
☐ _____ duplicate copies of the reference document(s) cited totaling _____page(s).
☐